

SERIAL NO. 10/058,152
ATTORNEY DOCKET NO. TIB-008**REMARKS/ARGUMENTS**

These amendments and remarks are submitted with a Request for Continued Examination in response to the Final Office Action mailed December 8, 2005. The status of the claims is as set forth above in the listing of the claims. Reconsideration of this Application is respectfully requested in light of the above amendments and following remarks.

I. REJECTIONS UNDER 35 U.S.C. § 102

Examiner has again rejected claims 1, 2, 4-11, 16-20, 22-25, and 30-34 as being anticipated by U.S. Patent Publication 2002/0083154 to Auffray *et al.* To anticipate a claim, a reference must disclose the same invention. "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 863 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants appreciate Examiner's response to Applicants' previous arguments and have amended the claims accordingly. Applicants now respectfully submit that Auffray does not anticipate claims 1, 2, 4-11, 16-20, 22-25, and 30-34 as amended because Auffray is directed to a wholly different end-use and accordingly fails to show, teach or suggest multiple limitations of the present claims as amended. Specifically, Auffray does not show, teach, or suggest at least (1) the update of *user interface categories*, (2) the inclusion of *user interface categories* in the user interface data message, (3) the inclusion of a *user interface element* in each *user interface category*, and (4) the update of *user interface elements*, wherein each *user interface element* comprises a *dynamic element that defines the appearance of information displayed*.

Auffray discloses a method and system for "fulfilling requests for information data from a network client." See Auffray ¶¶ 12, 48. More specifically, Auffray relates to improving response time when a network client requests information data accessible from a network server

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and displayable through a form-based hypertext document. *Id.* ¶ 1. In the form-based hypertext document of Auffray, data is categorized as either “dynamic” or “static.” Auffray defines “dynamic” data as “useful” data which is stored on the server and subject to change over time. *Id.* ¶ 7-8. The “dynamic” data of Auffray represents the *substantive* data in the form-based hypertext document. “Dynamic” data is contrasted with “static” data which is defined in Auffray as the formatting data which control how the “dynamic” data is arranged in the form-based hypertext document. *Id.* Auffray also refers to “static” data as “template” or “mask” data. *Id.* ¶ 7. Auffray’s method reduces network traffic between the client and server by separating the management of the formatting (“static”) data from the management of the substantive (“dynamic”) data in form-based hypertext documents. *Id.* ¶ 18.

In contrast, Applicants claim “a method to facilitate the update of a plurality of user interface categories... wherein each user interface category includes a user interface element, and wherein each user interface element comprises a dynamic element that defines the *appearance* of information displayed....” (emphasis added). User interface elements, as defined in the amended claims, are entirely different from the substantive data in a form-based hypertext document as described in Auffray. Further, Applicants’ claims provide that a user interface category includes a user interface element. Because the simple form-based hypertext document updated in Auffray includes no user interface elements as defined in the amended claims, then Auffray cannot teach the update of categories of such user interface elements.

In Item 2 of the Office Action, the Examiner refers to paragraphs 85-86 of Auffray as anticipating a “user interface data message [that] includes the plurality of user interface categories” as claimed. These paragraphs do contain the word “category”; however, in Auffray, a “category” of information is defined as “for example, in a human resource database

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application, a collection of records...which concerns a given group of employees in a given company." Auffray ¶ 85. This use of the word "category" by Auffray is clearly different from "category" as it is used in Applicants' amended claims, and accordingly Auffray also does not anticipate this claim element. Specifically, because Applicants have clearly defined user interface categories in the amended claims to include user interface elements, and because these clearly defined user interface categories are completely different from the "categories" of information found in Auffray, Auffray does not show, teach, or suggest the claimed inclusion of user interface categories in the user interface data message and the subsequent updating of user interface categories and user interface elements.

Also in Item 2 of the Office Action, the Examiner refers to paragraphs 71, 72, 90, and 110 of Auffray as anticipating "updating the respective user interface elements" as claimed. The items updated in Auffray are simply fields in a form-based hypertext document. ("[A]ppropriate fields of the displayed HTML form are filled with the obtained information data...." *Id.* 72.) These simple fields are not user interface elements as found in Applicants' claimed invention. See above discussion regarding user interface elements.

Because each of Applicants' pending claims either contain the above-described distinguishing elements or depend from claims containing those elements, and because these elements are not disclosed, suggested, or taught in Auffray, Auffray does not anticipate any of Applicants' pending claims as amended. Consequently, Applicants request that the Examiner withdraw the rejections under 35 U.S.C. § 102.

II. REJECTIONS UNDER 35 U.S.C. § 103

The Examiner has rejected claims 12-15, 21, and 26-29 under 35 U.S.C. § 103(a) as allegedly obvious over Auffray. Applicants respectfully disagree with the Examiner's position

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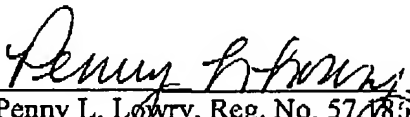
because each of these claims, as amended, either contain an element in which user interface categories are updated or depend from a claim in which user interface categories are updated. At least because this element is neither taught or suggested in Auffray, as well as because the rejected claims have their own additional patentably distinct limitations, these claims as amended are not obvious in view of Auffray. Consequently, Applicants request that the Examiner withdraw the rejection of these claims under 35 U.S.C. § 103(a).

III. CONCLUSION

Applicants respectfully submit that all pending claims are now in condition for allowance, and therefore request a Notice of Allowability for claims 1, 2, and 4-34. This amendment is being filed with a Request for Continued Examination along with the appropriate fees. If any additional fees are required to complete this filing, the Commissioner is authorized to charge those fees to Account No. 13-0480, Attorney Docket No. 24184300.1008. The Examiner is invited to please contact the undersigned Attorney of Record if such would expedite the prosecution of the present Application.

Respectfully submitted,

3-6-06
Date


Penny L. Lowry, Reg. No. 57,885
Attorney for Applicants
BAKER & MCKENZIE LLP
2300 Trammell Crow Center
2001 Ross Avenue
Dallas, TX 75201
Phone: 214-978-3007
Fax: 214-978-3099